

**Amendments to the Drawings:**

The attached drawing sheets include changes to Figs. 1-3. In particular, the content of Fig. 1 is moved to Fig. 2 to correspond to the subject matter described in the specification. Similarly, the content of Fig. 2 is moved to Fig. 3 to correspond to the subject matter described in the specification. Also, the designation “6” is changed to “7” to correspond to the subject matter described in the specification. The content of Fig. 3 is moved to Fig. 1 to correspond to the subject matter described in the specification. Also, the designation “6” is changed to “5,” and the designation “7” is deleted, to correspond to the subject matter described in the specification.

## REMARKS/ARGUMENTS

In the Office Action mailed November 6, 2007, claims 1-5 were rejected. Claim 6 stands withdrawn from consideration. Additionally, the drawings were objected to. In response, Applicants hereby request reconsideration of the application in view of the amended claims and the below-provided remarks. Claims 1-5 are canceled.

For reference, new claims 7-25 are added. New claim 7 is supported, for example, by the original language of claim 1, as well as the content of original Fig. 3, which corresponds to the subject matter described for Fig. 1. Claim 7 is also supported, for example, by the subject matter described in the specification at page 2, lines 12-26. New claim 8 is supported, for example, by the original language of claim one, as well as the content of original Fig. 3, which corresponds to the subject matter described for Fig. 1. New claims 9 and 10 are supported, for example, by the original language of claim 2. New claims 11-13 are supported, for example, by the original language of claim 1, as well as the content of original Figs. 1 and 2, which corresponds to the subject matter described for Figs. 2 and 3. New claim 14 is supported, for example, might be original language of claim 4. New claim 15 is supported, for example by the original language of claim 4, as well as the content of original Figs. 1-3. New claims 16-19 are supported, for example, by the original language of claim 5. New claims 20-22 are supported, for example, by the original language of claim 4. New claims 23-25 are supported, for example, by the original language of claim 1, as well as the content of original Figs. 1-3.

### Objections to the Drawings

The drawings were objected to based on the requirement that the drawings show every feature of the claims. As explained above, in the amendments to the drawings, Applicants submit Figs. 1-3 are amended to clarify the content of each of the indicated figures. Additionally, certain reference numerals are amended to coordinate with the subject matter described in the specification. In light of the drawing amendments, Applicants respectfully submit that the objections to the drawings are resolved and request that they objections to the drawings be withdrawn.

### No *Prima Facie* Rejection

As a preliminary matter, the rejections of the claims under 35 U.S.C. 102 are improper because the Office Action does not establish a *prima facie* rejection for each of the indicated claims. In particular, the Office Action does not establish *prima facie* rejections for claim 1 based on any of the cited references, Wajid, Sawai, or Nishihara. In order to establish a *prima facie* rejection of a claim under 35 U.S.C. 102, the Office Action must show how the corresponding cited references purportedly disclose each of the limitations of the claims.

Here, the Office Action fails to explain how Wajid purportedly discloses the limitations of claim 1 related to the roughened rear side of the substrate, the absorbing layer disposed on the rear side of the substrate, or the absorbing layer disposed on the front side of the substrate. The Office Action similarly fails to explain how each of Sawai and Nishihara purportedly discloses the indicated limitations. In fact, the Office Action does not cite any portion of Wajid, Sawai, or Nishihara as purportedly disclosing the indicated limitations. Rather, the Office Action merely cites reference numerals from the present application. However, citing reference numerals from the present application does not show or explain how the cited references might disclose the indicated limitations.

Therefore, the Office Action fails to establish a *prima facie* rejection for the claims under 35 U.S.C. 102 because the Office Action does not assert or show how the cited references might individually disclose all of the limitations of the claims, including the limitations related to the roughened rear side of the substrate, the absorbing layer disposed on the rear side of the substrate, or the absorbing layer disposed on the front side of the substrate. Accordingly, Applicants respectfully submit that the rejections of the claims under 35 U.S.C. 102 should be withdrawn because the Office Action fails to establish a *prima facie* rejection under 35 U.S.C. 102.

### Claim Rejections under 35 U.S.C. 112, first paragraph

Claims 4 and 5 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Additionally, claims 2 and 4-5 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description

requirement. Additionally, claims 1-3 and 5 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Applicants submit claims 1-5 are canceled. Accordingly, Applicants respectfully submit that the rejections of the indicated claims under 35 U.S.C. 112 are moot. Additionally, new claims 7-25 recite limitations which do not appear to invoke the same issues under 35 U.S.C. 112.

#### Response to Claim Rejections 102 and 103

Claims 1 and 3 were rejected under 35 U.S.C. 102(b) as being anticipated by Wajid (U.S. Pat. No. 5,233,261, hereinafter Wajid). Additionally, claims 1 and 3 were rejected under 35 U.S.C. 102(e) as being anticipated by Sawai et al. (U.S. Pat. No. 6,313,569, hereinafter Sawai). Additionally, claims 1-3 were rejected under 35 U.S.C. 102(e) as being anticipated by Nishihara et al. (U.S. Pat. No. 6,734,763, hereinafter Nishihara). Additionally, claims 4 and 5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wajid, Sawai, or Nishihara in view of Yee (U.S. Pat. No. 4,028,647, hereinafter Yee). However, Applicants submit that the present rejections are moot because the indicated claims are canceled.

Additionally, Applicants respectfully submit that new claims 7-25 are patentable over Wajid, Sawai, Nishihara, and Yee because the cited references, either alone or in combination, do not disclose or teach all of the limitations of the claims.

#### Independent Claim 7

Claim 7 recites “a substrate disposed opposite the piezoelectric layer relative to the bottom electrode, wherein the substrate comprises an uneven surface to suppress a spurious mode” (emphasis added). Examples of uneven surfaces are provided in claims 8-13, as well as the accompanying description in the specification and the corresponding figures.

In contrast, the cited references do not disclose a substrate with an uneven surface to suppress a spurious mode. In particular, none of the substrates shown in Wajid, Sawai, and Nishihara appear to have an uneven surface. Yee is not asserted as disclosing a

substrate. Therefore, the cited references do not disclose or teach all of the limitations of claim because the cited references do not disclose or teach a substrate with an uneven surface to suppress a spurious mode, as recited in the claim. Accordingly, Applicants respectfully assert claim 7 is patentable over the cited references because the cited references do not disclose or teach all of the limitations of claim.

#### Independent Claim 20

Applicants respectfully assert independent claim 20 is patentable over the cited references at least for similar reasons to those stated above in regard to independent claim 7. In particular, claim 20 recites “wherein each of the first and second BAW resonators comprises a substrate with an uneven surface to suppress a spurious mode” (emphasis added).

Here, although the language of claim 20 differs from the language of claim 7, and the scope of claim 20 should be interpreted independently of claim 7, Applicants respectfully assert that the remarks provided above in regard to claim 7 also apply to claim 20. Accordingly, Applicants respectfully assert claim 20 is patentable over the cited references because the cited references do not disclose or teach a substrate with an uneven surface to suppress a spurious mode.

#### Dependent Claims

Claims 8-19 and 21-25 depend from and incorporate all of the limitations of the corresponding independent claims 7 and 20. Applicants respectfully assert claims 8-19 and 21-25 are allowable based on allowable base claims. Additionally, each of claims 8-19 and 21-25 may be allowable for further reason.

## CONCLUSION

Applicants respectfully request reconsideration of the claims in view of the amendments and remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-3444** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-3444** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

/mark a. wilson/

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Mark A. Wilson

Reg. No. 43,994

Wilson & Ham

PMB: 348

2530 Berryessa Road

San Jose, CA 95132

Phone: (925) 249-1300

Fax: (925) 249-0111